

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

STEVEN JOHNSON,

Petitioner,

v.

**Case No. 11-C-865
(USCA No. 12-3203)**

**JEFFREY PUGH,
Warden of Stanley Correctional Institution,**

Respondent.

DECISION AND ORDER

Petitioner Steven Johnson (“Johnson”) filed a motion pursuant to Rule 60(b)(1) and (b)(6) of the Federal Rules of Civil Procedure requesting reconsideration of this Court’s Decision and Order declining to issue a certificate of appealability. Twice, this Court has declined to issue a certificate of appealability to Johnson. (ECF Nos. 59 & 80.) The Court has considered Johnson’s motion as requesting reconsideration of both denials.

Rule 60(b) is an “extraordinary remedy” granted only in “exceptional circumstances.” *Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc.*, 570 F.3d 845, 848 (7th Cir. 2009). Rule 60(b)(1) allows a court “to address mistakes attributable to special circumstances and not merely to erroneous applications of law.” *See Russell v. Delco Remy Div. of Gen. Motors Corp.*, 51 F.3d 746, 749 (7th Cir. 1995). Johnson’s motion for reconsideration rehashes arguments he previously presented. Johnson has not established a mistake warranting relief under Rule 60(b)(1).

Additionally, Johnson has not identified any other “exceptional circumstances” justifying relief. Fed. R. Civ. P. 60(b)(6); *Bakery Mach.*, 570 F.3d at 849. Therefore, Johnson’s Rule 60(b)(1) and (b)(6) motion for reconsideration is denied.

Johnson is advised that Rule 11 of the Rules Governing Section 2254 Cases in the United States District Court provides that “ [i]f the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.”

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Johnson’s Rule 60(b)(1) and (b)(6) motion for reconsideration (ECF No. 81) is **DENIED**.

Dated at Milwaukee, Wisconsin this 15th day of November, 2012.

BY THE COURT


Hon. Rudolph T. Randa
U.S. District Judge